

City of Annapolis
Alcoholic Beverage Control Board
December 5, 2012

The Regular Meeting of the Alcoholic Beverage Control Board of the City of Annapolis was held on December 5, 2012 in the City Council Chamber. Chair Leonard Berman called the meeting to order at 7:05 p.m.

Present: Chair Leonard Berman, Vice Chair Lawrence Harris, Jr, Members Catherine Shultz, Valerie Miller, Mike Miron

Staff: Assistant City Attorney Gary Elson

Member Miller moved to approve the Journal of Proceedings of November 7, 2012. Seconded. CARRIED on voice vote.

Without objection the regular order of the agenda was amended to hear the Public Hearing.

PUBLIC HEARING

• **MILLS FINE WINE AND SPIRITS**

Application has been made for the transfer of a Class A-2.b, off sale, package goods store, six a.m. to twelve midnight, seven days a week (special Sunday license), plus, beer, wine and liquor tasting by Kelley McConnell, Gerald J. Donahoe and Jennifer Donahoe for the premises known as Mills Fine Wine and Spirits, Inc. t/a MILLS FINE WINE AND SPIRITS, 87 Main Street, Annapolis, Maryland 21401.

Brian D. Lyman, attorney for the applicants, Hillman Brown & Darrow, P.A., 221 Duke of Gloucester Street, Annapolis, Maryland 21401 gave a brief presentation.

Applicants, Kelley McConnell, Gerald J. Donahoe and Jennifer Donahoe were present and answered questions addressed by the Board.

No one from the general public spoke in favor or in opposition to the application.

Member Miller moved to approve the application for a new, Class A-2.b, off sale, package goods store, six a.m. to twelve midnight, seven days a week (special Sunday license), plus, beer, wine and liquor tasting by Kelley McConnell, Gerald J. Donahoe and Jennifer Donahoe for the premises known as Mills Fine Wine and Spirits, Inc. t/a MILLS FINE WINE AND SPIRITS, 87 Main Street, Annapolis, Maryland 21401. Seconded. CARRIED on voice vote.

Chair Berman declared the public hearing closed.

The regular order of the agenda was resumed.

DISCIPLINARY HEARINGS

- **MEXICAN CAFÉ**

Infraction Citation No. 1891, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective Ricky Truitt, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Ditoto were present.

Robert J. Brilliant, attorney for the licensees, 1610 West Street, Suite 205, Annapolis, Maryland 21401 having stipulated to the facts, on behalf of the licensees waived their right to hear charges presented by Sgt. Crane.

Chair Berman accepted the following into the record:

Exhibit # 1: Employee Daily Shift Sign in Sheet

Licensees, Rebecca Porzillo and Pamela Gladfelter were present and answered questions by the Board.

Server, Brandon P. Lyons was present and addressed the Board.

- **ANNAPOLITAN CLUB**

Infraction Citation No. 1875, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective Ricky Truitt, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Young were present.

James P. Nolan, attorney for the licensees, Council, Baradel, Kosmerl & Nolan, P.A., 125 West Street, Annapolis, Maryland 21401 having stipulated to the facts, on behalf of the licensees waived their right to hear charges presented by Sgt. Crane.

Licensees, R. Mark Prossner, Dean D'Camera and William B. Bergen, Jr. were present.

Server, Timothy Sofyanos Niles was not present.

- **CANTON RESTAURANT**

Infraction Citation No. 0459, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective Ricky Truitt, Detective James Reid, Annapolis Police Department and

Maryland State Police Cadet Rucker were present.

Having stipulated to the facts, the licensees waived their right to hear charges presented by Sgt. Crane.

Licensees, Lisa C. Wong and Benjamin J. Wong were present and answered questions by the Board.

- **CHART HOUSE**

Infraction Citation No. 0460, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective Ricky Truitt, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Rucker were present.

Anthony F. Christhilf, attorney for the licensees, 150 South Street, Annapolis, Maryland 21401 having stipulated to the facts, on behalf of the licensees waived their right to hear charges presented by Sgt. Crane.

Chair Berman accepted the following into the record:

- Exhibit # 1: Employee Beverage Service Policy Acknowledgment
- Exhibit # 1: TIPS Participant Session Roster for Chart House Employees

Licensees, Anthony F. Christhilf, Mark Hinds and James C. Kramer were present and answered questions by the Board.

Paul Broccolina, Regional Director for Chart House Restaurants was also present and answered questions by the Board.

Server, Brandon Marriot was present and addressed the Board.

- **COURT OF SHANGHAI**

Infraction Citation No. 1877, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective Ricky Truitt, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Young were present.

Having stipulated to the facts, the licensees waived their right to hear charges presented by Sgt. Crane.

Licensees, John Charles Herbert, James Han and Anna C. Han were present and answered questions by the Board.

Server, Yanhong Gu was not present.

- **CRUSH KITCHEN AND WINE HOUSE**

Infraction Citation No. 1893, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective Ricky Truitt, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Rucker were present.

Having stipulated to the facts, the licensees waived their right to hear charges presented by Sgt. Crane.

Licensees, Bonnie Anne Finlay, Daniel Lledo and Christopher Chambers were present and answered questions by the Board.

Server, Khalif Elmahdawi was not present.

- **EASTPORT DEMOCRATIC CLUB**

Infraction Citation No. 0461, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective Ricky Truitt, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Rucker were present.

General Manager, Daniel Spadone having stipulated to the facts, on behalf of the licensees waived their right to hear charges presented by Sgt. Crane.

Licensees, Heather Spurlock, Nancy B. Jones and Michael Coleman were present and answered questions by the Board.

Server, Ella Fruengel was not present.

- **JOSS CAFÉ AND SUSHI**

Infraction Citation No. 0458, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective Ricky Truitt, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Rucker were present.

Jerome I. Feldman, attorney for the licensees, 900 Bestgate Road, Suite 200, Annapolis, Maryland 21401 having stipulated to the facts, on behalf of the licensees waived their right to hear charges presented by Sgt. Crane.

Licensees, Camilla Schwarz, Joseph Shyue Hae Jiau and Jane Yu Chen Jiau were present.

Server, Ashley Christine Brotherton was present and addressed the Board.

- **LEDO'S PIZZA**

Infraction Citation No. 1878, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective Ricky Truitt, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Young were present.

Having stipulated to the facts, the licensees waived their right to hear charges presented by Sgt. Crane.

Licensees, Lewis J. Mason and Curtis H. Noland were present and answered questions by the Board.

Licensee, Judith R. Blank was not present.

Server, Courtney Ross Miller was present and addressed the Board.

- **LOEWS ANNAPOLIS HOTEL**

Infraction Citation No. 1892, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective Ricky Truitt, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Rucker were present.

Robert R. Smith, attorney for the licensees, 107 Ridgely Ave, Suite 9, Annapolis, Maryland 21401 having stipulated to the facts, on behalf of the licensees waived their right to hear charges presented by Sgt. Crane.

Licensees, Sherrie Burton Smith, Jennifer Powell and James A. LoBosco were present and answered questions by the Board.

Server, Cameron Bhushan was present and addressed the Board.

- **LUNA BLU**

Infraction Citation No. 1876, Sales to underaged persons

The charges were not disputed by the establishment.

Sgt. Eric Crane, Detective Ricky Truitt, Detective James Reid, Annapolis Police Department and Maryland State Police Cadet Young were present.

Having stipulated to the facts, the licensees waived their right to hear charges presented by Sgt. Crane.

Licensees, Erin Dryden and Michelina Frix-Scotto were present and answered questions by the Board.

Server, Morgan Noel Gough was not present.

Chair Berman declared the disciplinary hearing closed.

BUSINESS AND MISCELLANEOUS

- **STANTON COMMUNITY CENTER – Dept. of DGS Security**

Request for a Special Class, C One Day Liquor License with Consumption of Alcoholic Beverages on City Property.

Applicant, Gerald Diggs was present and answered questions addressed by the Board.

Vice Chair Harris moved to approve the application for a Special Class C, One Day Liquor License for beer, wine and liquor to Gerald Diggs at the STANTON COMMUNITY CENTER from 9:00 p.m. to 12:00 midnight on December 14, 2012. Seconded. CARRIED on voice vote.

- **STANTON COMMUNITY CENTER – Tanya Booth**

Request for a Special Class, C One Day Liquor License with Consumption of Alcoholic Beverages on City Property.

Applicant, Tanya Booth was present and answered questions addressed by the Board.

Member Miron moved to approve the application for a Special Class C, One Day Liquor License for beer, wine and liquor to Tanya Booth at the STANTON COMMUNITY CENTER from 8:00 p.m. to 12:00 midnight on December 7, 2012. Seconded. CARRIED on voice vote.

- **STANTON COMMUNITY CENTER – Erica Moore Robinson and Lauren Moore**

Request for a Special Class C, One Day Liquor License with Consumption of Alcoholic Beverages on City Property.

Applicants, Erica Moore Robinson and Lauren Moore were present and answered questions addressed by the Board.

Member Shultz moved to approve the application for a Special Class C, One Day Liquor License for beer, wine and liquor to Erica Moore Robinson at the STANTON COMMUNITY CENTER from 8:00 p.m. to 12:00 midnight on December 21, 2012. Seconded. CARRIED on voice vote.

- **ORDINANCE O-27-12**

Removing the Requirement that a Certified Public Accountant Attest to Ratio Reports for Restaurants Renewing their Alcoholic Beverage Licenses.

Member Miller moved a favorable recommendation of Ordinance O-27-12, Removing the Requirement that a Certified Public Accountant Attest to Ratio Reports for Restaurants Renewing their Alcoholic Beverage License, *with the condition that the sworn statement language be added to line 4, page 2 of the legislation*. Seconded. CARRIED on voice vote.

- **ORDINANCE O-36-12**

Permitted Hours of Sidewalk Cafes.

Member Miron moved a favorable recommendation of Ordinance O-36-12, Permitting Sidewalk Cafés to remain open during normal business hours governing such establishments; *however, the Board expresses concern about the strict enforcement of Alcoholic Beverage Control Board laws regarding the service of food with alcohol for Sidewalk Cafes during extended hours*. Seconded. CARRIED on voice vote.

ACTION ON DISCIPLINARY HEARING

- **MEXICAN CAFÉ**

Infraction Citation No. 1891, Sales to underaged persons

Member Miller moved that the facts presented at the hearing on December 5, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Miller moved to impose a fine for this violation of \$1,500. Seconded. DEFEATED on voice vote.

A Roll Call vote was taken:

YEAS: Members, Miller and Miron

NAYS: Chair Berman, Vice Chair Harris, Member Shultz

Vice Chair Harris moved to impose a fine for this violation of \$1,000. Seconded. CARRIED on voice vote.

- **ANNAPOLITAN CLUB**

Infraction Citation No. 1875, Sales to underaged persons

Member Miller moved that the facts presented at the hearing on December 5, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Miller moved to impose a fine for this violation of \$500. Seconded. CARRIED on voice

vote.

- **CANTON RESTAURANT**

Infraction Citation No. 0459, Sales to underaged persons

Chair Berman moved that the facts presented at the hearing on December 5, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Chair Berman moved to impose a fine for this violation of \$500. Seconded. CARRIED on voice vote.

- **CHART HOUSE**

Infraction Citation No. 0460, Sales to underaged persons

Member Miller moved that the facts presented at the hearing on December 5, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Miller moved to impose a fine for this violation of \$500. Seconded. CARRIED on voice vote.

- **COURT OF SHANGHAI**

Infraction Citation No. 1877, Sales to underaged persons

Chair Berman moved that the facts presented at the hearing on December 5, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Vice Chair Harris moved to impose a fine for this violation of \$750. Seconded. CARRIED on voice vote.

- **CRUSH KITCHEN AND WINE HOUSE**

Infraction Citation No. 1893, Sales to underaged persons

Vice Chair Harris moved that the facts presented at the hearing on December 5, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Shultz moved to impose a fine for this violation of \$500. Seconded. CARRIED on voice vote.

- **EASTPORT DEMOCRATIC CLUB**

Infraction Citation No. 0461, Sales to underaged persons

Chair Berman moved that the facts presented at the hearing on December 5, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Miron moved to impose a fine for this violation of \$1,000. Seconded. CARRIED on voice vote.

- **JOSS CAFÉ AND SUSHI**

Infraction Citation No. 0458, Sales to underaged persons

Chair Berman moved that the facts presented at the hearing on December 5, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Vice Chair Harris moved to impose a fine for this violation of \$1,000. Seconded. CARRIED on voice vote.

- **LEDO'S PIZZA**

Infraction Citation No. 1878, Sales to underaged persons

Chair Berman moved that the facts presented at the hearing on December 5, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Vice Chair Harris moved to impose a fine for this violation of \$750. Seconded. CARRIED on voice vote.

- **LOEWS ANNAPOLIS HOTEL**

Infraction Citation No. 1892, Sales to underaged persons

Member Miller moved that the facts presented at the hearing on December 5, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Member Miller moved to impose a fine for this violation of \$500. Seconded. CARRIED on voice vote.

- **LUNA BLU**

Infraction Citation No. 1876, Sales to underaged persons

Member Miller moved that the facts presented at the hearing on December 5, 2012 warrant a violation as charged. Seconded. CARRIED on voice vote.

Vice Chair Harris moved to impose a fine for this violation of \$750. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting adjourned at 10:05 p.m.

Theresa Bucalo, CMC
Deputy City Clerk